

**CHAPTER 10-13-07**  
**INSPECTION AND CHALLENGE OF CRIMINAL HISTORY RECORD**  
**INFORMATION BY A RECORD SUBJECT**

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**10-13-07-01. Inspection.** Any record subject shall, upon submission of a written request and satisfactory verification of his identity, be entitled to review, without undue burden to either the criminal justice agency or the record subject, any criminal history record information maintained by any criminal justice agency about the record subject.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3

**10-13-07-02. Record subject identification.** Satisfactory verification of identity may consist of fingerprint comparison or presentation of photo-identification such as a driver's license or passport. If fingerprint comparison is required for positive identification, the record subject may be required to return at a later date to the agency where the inspection was requested.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3

**10-13-07-03. Inspection by representative.** A representative of a record subject must satisfactorily establish his identity as representative and present evidence of power of attorney or notarized authorization before being allowed to view the information on file for the record subject.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.1(7), 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3

**10-13-07-04. Inspection of local and state central repository records.** A record subject may make a request at any criminal justice agency in North

Dakota to inspect his criminal history record, if any, retained by that agency and by the bureau. The agency receiving that request will prepare a form provided by the bureau containing information necessary to comply with that request and will forward that request form to the bureau within five working days. Upon confirmation of the record subject's identity, the bureau will return a copy of any record information to the requesting agency within twenty working days.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3

**10-13-07-05. Request for inspection from out-of-state.** Any request for inspection of a criminal history record must be made in person at a criminal justice agency by the record subject or a duly authorized representative. Any requests made by mail or any other means from out-of-state cannot be processed by either the receiving agency or the bureau.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3

**10-13-07-06. Notification of record availability.** Criminal justice agencies shall notify the record subject when the individual's record is available for review and shall establish a time within normal working hours when that review can take place.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3

**10-13-07-07. Negative response to request for inspection.** A criminal justice agency or the bureau may deny inspection of a record if the record subject is not satisfactorily identified. Agencies or the bureau will also respond negatively if no record is found for the individual. In either situation, the individual will be informed in writing of the reason for the negative response and will be advised of his right to challenge the denial.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3

**10-13-07-08. Record copies restricted.** Persons inspecting criminal history records may make notes of the information but will not be provided a copy of the information except when the person inspecting intends to challenge the

information. If a challenge is indicated, the criminal justice agency will limit the copy to those portions to be challenged.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3

**10-13-07-09. Challenge of denial to inspect.** If an individual is denied the right to inspect his criminal history record, he may challenge this denial by submitting a challenge form and a complete set of fingerprints, within ten days of the denial, to the administrator of the agency which has issued the denial.

The administrator must, within thirty days, either allow inspection of the records requested, or respond to the individual in writing with his findings as to why the denial is upheld.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3

**10-13-07-10. Challenge of completeness and accuracy.** Any record subject may challenge, in writing, the completeness or accuracy, or both, of specific criminal history record entries pertaining to the individual and request that incomplete or inaccurate entries be corrected. Upon challenge, the criminal justice agency originating the record entries shall conduct an administrative review of the alleged incomplete or incorrect entries, and shall notify the record subject, in writing, of the results of the review within twenty working days of the receipt of the challenge.

The record subject must specify the incomplete or inaccurate entries and indicate what he deems to be the complete or correct entries.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3

**10-13-07-11. Forwarding challenge forms to originating agency.** If the reviewing agency is not also the originating agency, the original challenge form and any related documents must be forwarded to the originating agency, or, in the case of challenges claiming incompleteness, to the agency that can verify the notations which, according to the record subject, should be included in the record. The reviewing agency shall retain a copy of the original challenge form.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3

**10-13-07-12. Notification of corrections to a criminal history record.** In the event that corrections of criminal history record entries are made by

the originating criminal justice agency, the originating agency shall notify all criminal justice and noncriminal justice agencies that have received the erroneous information within the year preceding the challenge of said corrections.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3